IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22741 of 2004

Between:

Dava Rama Krishnaiah S/o.Lakshmaiah
Damavaram Village, Dagadarthi (M),
Nellore Dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer
Dagadarthi, Nellore Dist.
2 The Dist Collector,
Nellore Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or order more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned order dt 20-9-2004 bearing No.B.221/2004 in respect of Acl-50 cents of dry land comprised in Survey No.246-P situated at Damavaram Village of Dagadarthi Mandal, Nellore Dist exercising the powers under the provisions of A.P.(Prohibition of Transfer of Assigned lands) Act 9 of 1977 without any power or authority there under as illegal, arbitrary and unjust and in violation of Articles 14,21 of Constitution of India, BSO.15 and principles of natural justice and pass such other orders.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court at the admission stage made the following :

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

In this writ petition, the petitioner is challenging the order dated 20.9.2004 passed by the 1st respondent in proceedings No.B.221/2004 in respect of Ac.1.50 cents of dry land comprised in S.No.246-P of Damavaram village of Dagadarthi Mandal, Nellore District. The impugned orders were issued by the 1st respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Admittedly, against the impugned orders, the petitioner has an effective alternative remedy of filing an appeal before the Revenue Divisional Officer and without availing the same, he has approached this Court straight away.

In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the petitioner to file an appeal along with a stay application before the Revenue Divisional Officer within a period of two weeks from today. Till such time, status quo obtaining as on today shall be maintained. The Revenue Divisional Officer is directed to pass appropriate orders on the stay application as expeditiously as possible.

With the above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

Note: Furnish CC tomorrow

(B/o)

msv.

To

1 The Mandal Revenue Officer
Dagadarthi, Nellore Dist.
2 The Dist Collector,
Nellore Dist.

3. 2 CCs to GP for Revenue, High Court of A.P. Hyd.(OUT)

4. 2 CD copies.